

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVANTS - Allegation of corruption against Sri.S.Md.Yacoob, formerly Accountant, Anantapur Municipality - Trapped by the Anti Corruption Bureau on 11.06.1997- Criminal proceedings initiated against the Accused Officer – Charge sheet filed in CC.No.13/1998, against the A.O. and convicted by the Trial Court – Crl.Appeal No.1164/2003 filed by the A.O. against his conviction by the Trial Court – Crl.Appeal No.1164/2003 allowed by the Hon'ble High Court- Accused Officer expired on 07.2.2009 - Further action abated- Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.IV.2) DEPARTMENT

G.O.Rt.No. 668

Dated:11.05.2012

Read the following:

1. From the Director-General, Anti Corruption Bureau, Hyd.  
Lr.Rc. No.90/RCT-ATP/97,Dated 20.06.1997.
2. Proc.Rc.No.17648/97/K1,dated 13.6.1997, of the Commissioner & Director, Municipal Administration, Hyderabad.
3. From the Director-General, Anti Corruption Bureau, Hyd.  
Lr.Rc. No.90/RCT-ATP/97,Dated 27.2.1998
4. G.O.Ms.No.352, M.A.&U.D. Department, dated  
22.6.1998
5. From the Director-General, Anti Corruption Bureau, Hyd.  
Lr.Rc. No.90/RCT-ATP/97,Dated 22.7.1998
6. G.O.Rt.No.57,Municipal Administration, dated  
20.1.2001
7. From the Director-General, Anti Corruption Bureau, Hyd.  
Lr.Rc. No.90/RCT-ATP/97-S.14,Dated 22.10.2003 &  
12.11.2003, along with the orders dated 15.10.2003 of  
the Hon'ble Court of the Addl.Spl.Judge for SPE&ACB-  
cum- V Addl.Chief Judge, City Civil Court, Hyderabad.
8. Govt.Memo No.2651/V1/2001-3,Dt:4.11.2003.
9. Proc.Rc.No.17648/97-E4,Dated 02.12.2003 of the Director of  
Municipal Administration, Hyderabad.
- 10.From the Director-General, Anti Corruption Bureau, Hyd.  
Lr.Rc. No.90/RCT-ATP/97-S.14,Dated: .01.2011along  
with the orders dated 26.8.2010 of the Hon'ble High  
Court, in Crl,Appeal No.1164/2003, filed by  
Sri.S.Md.Yacoob, Accountant.

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ORDER:-

It has been reported by the Appropriate Authority that, Sri.S.Md.Yacoob, while working as Accountant in Anantapur Municipality, Anantapur, was trapped by the officials of the Anti Corruption Bureau on 11.6.1997, when he demanded and accepted a bribe amount of Rs. 1500/-, from a Complainant, for showing official favour to expedite the pension and gratuity arrears, due to the Complainant's mother.

2. Whereas, in the reference 2<sup>nd</sup> read above, orders were issued to place the Accused Officer Sri.S.Md.Yacoob, Accountant, Anantapur Municipality, under suspension.

3. Whereas, the Director-General, Anti Corruption Bureau, Hyderabad, in his final report, in the reference 3<sup>rd</sup> read above, has recommended prosecution of the Accused Officer Sri. S.Md.Yacoob, Accountant, O/o Anantapur Municipality, in a Court of Law, for offences committed under section 7,11 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. In the reference 4<sup>th</sup> read above, Government have accorded sanction for prosecution of the Accused Officer. Accordingly, in the reference 5<sup>th</sup> read above, charge-sheet was filed against the Accused Officer, in the Court of Addl.Spl.Judge for A.C.B. Cases, Hyderabad. After reviewing the suspension period of the Accused Officer, with the appropriate authority, Government,

in the reference 6<sup>th</sup> read above, have issued orders reinstating the Accused Officer into service, pending completion of Trial in a Court of Law.

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4. Whereas, in the reference 7<sup>th</sup> read above, the Hon'ble Court of the Addl.Spl.Judge for SPE&ACB-cum-V Addl. Chief Judge, City Civil Court, Hyderabad, in its orders dated 15.10.2003, has convicted the Accused Officer Sri.S.Md.Yacoob, Accountant, Anantapur Municipality, in CC.No.13/1998. In the references 8<sup>th</sup> & 9<sup>th</sup> read above, orders were issued dismissing the Accused Officer Sri.S.Md.Yacoobm the then Accountant, Anantapur Municipality.

5. Whereas, the Accused Officer Sri.S.Md.Yacoob, Accountant, aggrieved by the dismissal orders, filed Crl.Appeal No. 1164/2003 in the Hon'ble High Court, A.P., Hyderabad, against his conviction orders by the Trial Court, in CC.No. 13/98. The Hon'ble High Court, while allowing the said Crl.Appeal No.1164/2003, in its judgment dated 26.8.2010, issued orders among others, as follows;

" .... The learned Special Judge ought to have given benefit of doubt to the accused-officer instead of finding him guilty for the above mentioned offences. For the aforesaid reasons, the conviction and sentence recorded by the trial Court against the accused-officer can be sustained. Consequently, the conviction and sentence passed by the learned Trial Court against the accused-officer is set aside and he is acquitted of the offences under Section 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act,1988...."

6. Whereas, in the reference 10<sup>th</sup> read above, the Director-General, Anti Corruption Bureau, Hyderabad, has informed the Government that the Hon'ble High Court in its orders dated 26.8.2010, while allowing the Crl.Appeal, has set-aside the orders passed by the Trial Court in CC.No.13/98. The Director-General, Anti Corruption Bureau, Hyderabad, has also informed the Government that the Bureau is of the opinion that though there are grounds to prefer an appeal, compassionate view was taken since the accused officer died on 07.2.2009.

7. Government, after examination of the matter duly obtaining the advice of the competent authority, hereby abate criminal proceedings in CC.No.13/1998, against Late Sri.S.Md.Yacoob, the then Accountant at Anantapur Municipality, as he expired on 07.2.2009.

8. The Director of Municipal Administration, Hyderabad, shall take necessary in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**B.SAM BOB**

**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director, Municipal Administration, Hyderabad.

The Legal heir of Late Sri.S.Md.Yacoob, Ex- Accountant,

Mangalagiri Municipality, through

the Municipal Commissioner, Mangalagiri Municipality

Copy to:

The Regional Director-cum-Appellate Authority,

Municipal Administration, Guntur.

The Municipal Commissioner, Anantapur Municipal-

Corporation, Anantapur.

The Director-General, Anti Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commissioner,

A.P. Vigilance Commission, Hyderabad

SF/SCs

//FORWARDED BY ORDER//

**SECTION OFFICER**